



Impact Assessment
Agency of Canada

Ontario Region
600-55 York Street
Toronto ON M5J 1R7

Agence d'évaluation
d'impact du Canada

Région de l'Ontario
600-55 rue York
Toronto ON M5J 1R7

July 24, 2020

Sent by email

Chief Judy Desmoulin
Long Lake #58 First Nation
PO Box 609
Longlac, Ontario P0T 2A0
judy.desmoulin@longlake58fn.ca

Dear Chief Judy Desmoulin:

Subject: Marten Falls Community Access Road Project – Long Lake #58 First Nation's Follow-Up to the Impact Assessment Agency's February 24, 2020, Notice of Commencement Letter

Thank you for your March 24, 2020, email responding to the Impact Assessment Agency of Canada's Notice of Commencement letter for the Marten Falls Community Access Road Project . My apologies for the delay in responding to you.

Potential Adverse Impacts on Rights

The Agency has considered your comments on the "Attachment 4" document that was included in the Agency's February 24, 2020, letter and will await further information from Long Lake #58 First Nation before updating the Agency's understanding of the Project's potential impacts to Long Lake #58 First Nation's exercise of Aboriginal and/or Treaty rights. The Agency recognizes that the extent of the Project's potential impacts to Long Lake #58 First Nation's exercise of rights will continue to evolve as more data is collected through ongoing consultation and engagement activities. Please continue to share any information with the proponent and the Agency that you feel will support further understanding of the Project's potential impacts on your community. The Agency will continue to seek Long Lake #58 First Nation's input throughout the impact assessment process.

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Agency's Understanding of Treaty Rights

The Agency has reviewed your comment on "Attachment 4" and has proposed an edit (see attachment to this letter where the proposed change is shown in double strikeout). The Agency is not a rights-determining entity and will not make decisions regarding whether your community is a signatory to any particular treaty. The Agency continues to recognize that Long Lake #58 First Nation has rights that are recognized and affirmed under section 35 of the *Constitution Act, 1982* (section 35 rights). Long Lake #58 First Nation is invited to provide any information that may assist the Agency in understanding the Project's potential impacts on the exercise of your section 35 rights.

Community-Specific Annex to the IEPP (IEPP Annex)

The Agency understands that your community has an interest in discussing consultation activities beyond those identified in the Indigenous Engagement and Partnership Plan (IEPP). The Agency will be pleased to set up a virtual meeting to discuss your community's specific interests. Please note that the intent of the IEPP Annex is to identify community-specific consultation methods, activities, and objectives that are not already reflected in IEPP that was posted to the Canadian Impact Assessment Registry website. The IEPP can be accessed at the following link: <https://iaac-aeic.gc.ca/050/documents/p80184/133936E.pdf>. Long Lake #58 First Nation is invited to suggest specific consultation activities, methods, or objectives to the Agency for consideration.

Ontario's Northern Road Link Announcement

The Agency is aware of the announcement made by the Province of Ontario, Marten Falls First Nation and Webequie First Nation regarding the Northern Road Link. On May 19, 2020, the Agency notified Marten Falls First Nation and Webequie First Nation that the Northern Road Link appears to be designated under the *Impact Assessment Act* and requested an Initial Project Description.

At this time, the Agency has not received an Initial Project Description for the Northern Road Link. Upon the proponents' submission of an Initial Project Description that complies with the *Information and Management of Time Limits Regulations*, the Agency will notify Indigenous groups who may be impacted by the Project of a formal comment period and seek their views on the Initial Project Description and whether an impact assessment should be required for the Northern Road Link.

IMPORTANT NOTE: The Agency recognizes that the Government of Canada has advised all Canadians to implement social distancing measures, including avoiding close contact with others, to minimize COVID-19 transmission in communities. In consideration that social distancing measures often need extensive preparation and currently take priority, the Agency highlights its current measures and commitments to support your community's COVID 19 response at this time:

- The Agency is currently following [guidelines](#) that have been issued by the Public Health Agency of Canada and local health authorities;
- The Agency has halted in-person and in-community meetings; when a meeting is unavoidable during the current circumstance, we will conduct those activities through digital communications including: teleconference calls and WebEx as appropriate and to the preference of Indigenous groups to discuss projects;
- The Agency remains flexible and able to adapt our conduct as necessary to prioritize the health and safety of communities participating in impact assessments; and
- The Agency continues to be in touch with proponents to understand how projects are affected by COVID-19.

The Agency welcomes any further details from Long Lake #58 First Nation about when the community might be prepared to participate in future consultation activities. In the meantime, the Agency will provide updates to Indigenous groups about the status of the Project at regular intervals.

If you have any questions or concerns about the Project, please do not hesitate to reach out to me by phone at 416-476-5476 or by email at iaac.martenfalls.aeic@canada.ca.

Sincerely,

<Original signed by>

Caitlin Cafaro
Crown Consultation Coordinator

Attachment: Updated Summary of Agency Understanding of Long Lake #58 First Nation's Exercise of Rights and Potential Impacts

c.c.: John O'Nabigon, Long Lake #58 First Nation
Ervin Waboose, Long Lake #58 First Nation
Zoey Kakegabon, Long Lake #58 First Nation
Kimberly Jorgenson, Four Rivers Environmental Services Group